

William (Bill) D. Peterson,
With 300-Year SNF Disposal &
3-Year Fuel & Deficit Recovery Plan,
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	!	MOTION
William (Bill) D. Peterson, Engineer for	!	
300-Year SNF Disposal Solution &	!	Complaint for WRONG Solution
3-year Fuel & Economy Recovery Plan,	!	WRONG to return Nuc Funds
<i>Plaintiff, Petitioner</i>	!	DOE is Wrong Oversight Agency
	!	EPA to determine solution for SNF
v.	!	WDP Asserts for Work & Funds
	!	WDP Asserts for Jurisdiction
United States of America	!	
NRC, DOE, and EPA	!	Case No. <u>11-381C</u>
<i>Defendant, Respondent</i>	!	
	!	Senior Judge Bruggink
	!	

**01) U.S. CONGRESS REQUIRES DISPOSAL OF SPENT NUCLEAR FUEL
EPA MUST ASSERT A DISPOSAL SOLUTION
PETERSON’S 300-YEAR SOLUTION WORKS**

02) Appellant William Donald Peterson II (Peterson) works to do disposal of spent nuclear fuel (SNF). 03) He asserts a new 300-year SNF disposal solution having near surface storage, 04) only 12 feet underground storage. 05) So at any time out in 300 years, 06) the SNF can be retrieved and then be separated into three parts, 07) then each part would be disposed of separately and differently.

**08) PETERSON ACCEPTED GOVERNMENT'S INVITATION
FOR PROVINCING AN SNF DISPOSAL SOLUTION
NRC DOCKET No. 72-23**

09) As did Private Fuel Storage (PFS) in NRC docket No. 72-22, 10) back in the 1987 to 1993 era, 11) Peterson accepted the invitation of the Congress through President Bush and Nuclear Waste Negotiator David Leroy and 12) President Clinton through Nuclear Waste Negotiator Richard Stallings, to provide a site and store SNF. 13) In Nuclear Regulatory Commission (NRC) docket No. 72-23 Peterson proposed the Pigeon Spur Southern Pacific Railroad site in Box Elder County Utah. 14) Peterson has since conceived the 300-year SNF disposal solution. 15) Peterson has had no funding. 16) The U. S. Department of Energy (DOE) has rejected 13 proposals from Peterson, 17) all because of DOE's mistaken understanding that SNF disposal has to be in Yucca Mountain (YM). 18) A July 9th 2004, order of the Court of Appeals for the District of Columbia Circuit in Case No. 01-1258 orders that DOE is the wrong oversight agency.

19) Appellant William Donald Peterson II (Peterson) works to do disposal of spent nuclear fuel (SNF). 20) He asserts a new 300-year SNF disposal solution having near surface storage, 21) only 12 feet underground storage. 22) So at any time out in 300 years, 23) the SNF can be retrieved and then be separated into three parts, 24) then each part would be disposed of separately and differently. 25) YM geological storage puts SNF out of reach for future 300-year processing, 26) and has other troubles. 27) Peterson's 300-year processes requires a high degree 99.999% (called five-9s) separation of the transuranics (1% of the SNF) from the fission wastes (FW is 3% of the SNF). 28) U.S. patented in 2009, 29) Idaho National Laboratory (INL) scientists have developed a 5-9s separation process. 30) In 300-years the pure fission waste (FW) decays to low level Class-C, 31) in

another 500-years the FW is Class-A. 32) The transuranics are disposed of as fuel. 33) The other 96% of SNF is U_{238} uranium and is stockpiled like iron and is safe to be around. 34) This will work.

35) There is no other known solution for SNF disposal. 36) Peterson's 300-year solution has not been considered by DOE because of misunderstandings. 37) DOE has considered, 38) and worked on only Yucca Mountain (YM). But 39) A July 9th 2004, 40) order of the Court of Appeals for the District of Columbia Circuit in Case No. 01-1258 orders that EPA with the National Academies of Sciences (NAS) is responsible for how SNF is disposed of, 41) not DOE. 42) The order says YM is only a suggestion of the Congress. 43) The Court of Appeal's order has been ignored which is stymieing everything as everything is being done wrong. Now the government has nothing going for SNF disposal. 44) But Peterson does. 45) Again Peterson moves for the rightful use of the NWF to license and develop Pigeon Spur and four more sites in different states, 46) and work with INL to develop and demonstrate the processing part of the 300-year solution.

47) For more than a decade, Peterson has asserted that YM type deep geological burial of SNF will not work for SNF disposal. 48) Energy Secretary Steven Chu has ordered curtailment of YM. 49) Now the government has no concept for an SNF disposal solution, 50) no place to store SNF, 51) no Government Agency (Department) is now officially working on the SNF disposal problem, 52) and now the Court of Federal Claim is giving back to the nuclear utilities the Nuclear Waste Fund (NWF), 53) paid into by the utilities, 54) as the Congress required of the utilities to establish funding to dispose of SNF. 55) DOE has wrongly pursued YM when it will not work for SNF disposal when Peterson's 300-year disposal will.

56) COST OF 300-YEAR SOLUTION IS MUCH LESS THAN YM

57) To build one YM could cost as much as \$60 billion. **58)** A Peterson build above ground SNF storage facility would cost around \$3 billion. **59)** A Peterson 300-year below surface SNF storage facility would have an estimated cost of \$6 billion, **60)** and it would be build to operate for 1,000 years. **61)** A 300-year storage system includes the storage casks. **62)** The cost of operating a 300-year SNF storage system would be less than operating a conventional canister system **63)** and would be a small fraction of the cost of operating a YM. **64)** 300-year site is convection air Cooled.

**65) MISUNDERSTANDINGS
HAVE THE GOVERNMENT STYMIED
FOR AN SNF DISPOSAL SOLUTION**

66) In a July 9th, 2004 order of the U.S. Court of Appeals for the District of Columbia Circuit, **67)** Case No 01-1258, **68)** the Court wrote that in the Nuclear Waste Policy Act, **69)** when the Congress wrote of doing deep geological burial as described in YM, **70)** YM could only have been a suggestion. **71)** In the DOE perpetuation of the Congress's, **72)** DOE apparently did not consider the studies of Professor Bernard Cohen. **73)** He showed the radioactivity paths taken out in time for the various elements in SNF. **74)** For more than a decade members of the Congress and people in DOE would not listen to Peterson's assertion that YM won't work, **75)** but his 300-year SNF disposal solution will. **76)** No one but Peterson and his team understands this even today. **77)** Apparently both the Congress and DOE did not consider the fact that SNF is 97% potentially reusable for nuclear fuel, **78)** which should be recovered.

79) But most elementary in Government, **80)** in the Court of Appeals order it wrote that EPA is responsible for how SNF is disposed of, **81)** not DOE. **82)** Where EPA must

hear and consider National Academies (NAS) suggestions but not necessarily adhere to them.

83) So in the confusion and misunderstandings, 84) the U.S. Government has (1st) no method of SNF solution, 85) (2nd) has no responsible governmental Department working on a solution, 86) (3rd) has no policy for how and why SNF should be disposed of, 87) (4th) and has no place to put SNF, 88) and now with the Nuclear Utilities getting their Nuclear Waste Fund back with damages, 89) (5th) the Government has no money to pay for SNF disposal. 90) But Peterson has all five (1,2,3,4, & 5) requirement items, 91) provided his “contract” with the Congress, 92) Presidents, 93) through Nuclear Negotiators David Leroy and Richard Stallings holds up. 94) Otherwise, 95) the Nuclear Utilities, America, and the World are stymied for a solution for disposal of SNF.

96) WHY WE MUST HAVE NUCLEAR POWER

97) The United States is buying oil from more than 90 other nations. 98) U.S. dollars roll out and oil flows back. 99) It takes a flow of money to operate America. 100) Dollars leaving the economy are deficit. 101) To operate the nation the dollars gone for buying foreign oil, 102) goods, 103) and services are America’s deficit, 104) and have to be replaced. 105) It’s put America into a position of national debt now in excess of \$15 trillion dollars, 106) and accelerating higher. 107) Not until U.S. trade is made to balance should stimulus money be put into the economy. 108) Influx of money will go to deficit!

109) America’s single largest deficit import is oil, 110) three (\$3) billion dollars per day, 111) approaching one (\$1) trillion dollars per year. 112) Some time ago the production of oil peaked. 113) The production of oil is declining. 114) The world demand for oil is fast increasing as other nations are fast increasing their vehicular transportation. 115) With the

way thing are going, ¹¹⁶America has little time to develop a substitute for oil, ¹¹⁷nuclear-electricity, ¹¹⁸hydrogen is most logical.

¹¹⁹Recently, when DOE petitioned to NRC to begin construction again at YM, ¹²⁰Peterson intervened pleading geological burial would make more problems than it solved, ¹²¹SNF would have to be processed, ¹²²and we could not waste the 97% of SNF that is potential fuel. ¹²³Peterson petitioned for his 300-year SNF disposal solution and presented a 3-year plan for energy independence by building 50 new nuclear power plants, ¹²⁴using them for power to produce hydrogen for 10% of vehicular transportation, ¹²⁵switching 40% of vehicular transportation to natural gas, ¹²⁶and produce enough domestic oil to power half of the vehicular transportation. ¹²⁷We would need to electrify the railroads and put interstate trucking on rail cars.

¹²⁸The NRC commissioners rejected Peterson's 300-year proposal to stimulate nuclear power with building one to five 300-year SNF storage sites and put the National Academies of Sciences to work studying Peterson's 300- year SNF disposal solution, ¹²⁹Pigeon Spur type storage, ¹³⁰Peterson's deficit recovery plan, ¹³¹and Peterson's 3-year plan for independence from foreign oil.

¹³¹Peterson appealed the rejection of his plans to the U.S. Court of Appeals for the District of Columbia Circuit, and also appealed for the Court to reinstate their July 9th , 2004, order in Case No. 01-1258. ¹³²Nothing happened for the SNF disposal program. ¹³³As of late, ¹³⁴Peterson took these same issues plus a new plea for funding his 300-year SNF disposal solution, ¹³⁵and petitioned to intervene into 50 cases in the Court of Federal Claims. ¹³⁶Again Peterson petitions were rejected, ¹³⁷this time Peterson was told he was

given rejections because he is not an attorney approved for practicing in the Court of Federal Claims. ¹³⁸⁾ Without a request the court opened this Case 11-381C for Peterson.

¹³⁹⁾ To save the U.S. economy, ¹⁴⁰⁾ the Court[s] need to help anyway and every way they can to advance nuclear power. ¹⁴¹⁾ The single-most troubled issue is what to do with SNF. ¹⁴²⁾ Peterson is here in this court from being rejected from fifty (50) cases in this the Court of Federal Claims. ¹⁴³⁾ After his 50 rejections Peterson has been assigned Case No. 11-381C to have the Court hear his plea to **“Stop Giving Back the Nuclear Waste deposit Fund”** and consider what the Congress intended, ¹⁴⁴⁾ using the money store and dispose of SNF in some way, ¹⁴⁵⁾ such as what Peterson proposes in a way he calls the 300-year SNF disposal solution.

MOTION

¹⁴⁶⁾ Peterson moves the Court consider and find that returning the Nuclear Waste Fund back to the Nuclear Utilities is not what the Congress intended be done with the fund. ¹⁴⁷⁾ Instead, ¹⁴⁸⁾ Peterson moves that the Court find that Peterson proposed 300-year permanent plan for disposal of SNF meets the criteria of the July 9th, 2004, order in Case No. 01-1258, of the Court of Appeals of the District of Columbia Circuit, ¹⁴⁹⁾ wherein the EPA shall decide how SNF is to be disposed, ¹⁵⁰⁾ in consideration of National Academies of the Sciences studies, ¹⁵¹⁾ in this case their study of Peterson’s 300-year SNF disposal solution, ¹⁵²⁾ his Pigeon Spur type site[s], ¹⁵³⁾ his plan for using 300-year SNF disposal to support existing plants, ¹⁵⁴⁾ and 50 new plants, ¹⁵⁵⁾ for Peterson’s plan for the U.S. to become energy independent from oil in three years, ¹⁵⁶⁾ in an effort to balance international trade, ¹⁵⁷⁾ as needed according to Peterson’s Deficit Recovery Institute (DRI) Rule, ¹⁵⁸⁾ according to an NAS study and review of Peterson’s studies.

159) For supporting Memorandum, Peterson reiterates his Complaint and prior pleadings in this matter, 160) and Peterson asserts the U.S.A. admissions by its not objecting and finding fault with Peterson's each and every averment separately and in total.

161) Meanwhile, 162) in the expedience of time, 163) where the deficit is asserted by Peterson to be rising at the imbalance of trade rate of six (\$6) billion dollars per day, 164) Peterson move that the Court order the four studies from the NAS that Peterson as indicated, 165) award Peterson \$52 million from the nuclear waste fund, 166) to pay for the four NAS studies indicated, 167) and to pay costs for Peterson to immediately proceed with starting, 168) making NRC licensing applications, 169) and proceeding with one to five 300-year SNF type storage and disposal facilities.

170) The processing of the SNF to be done is done is not so critical time wise. 171) Idaho National Laboratory has researched and developed way[s] of achieving 5-9s separation of the transuranics from the fission wastes. 172) So meanwhile, 1731) Peterson's team will work with INL personnel to help them proceed with planning and further demonstrating the 5-9s processing part of the 300-year SNF disposal solution.

174) Dated this 11th day of September, 2011.

William D. (Bill) Peterson, P.E., M.S., N.E., O.R.A.
Plaintiff, Petitioner

CERTIFICATE OF SERVICE

175) On the 11th day of September, 2011, a copy of this pleading is sent by Email and U.S. Mail to the attorney for the U.S. Mariana Teresa Acevedo, Trial Attorney, Commercial Litigation Branch, Civil Division, U.S. Department of Justice, P.O. Box 480, Ben Franklin Station, Washington, D.C. 20044.

William D. (Bill) Peterson,